

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DANA KENNEDY, JR.,

Defendant-Appellant.

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UNPUBLISHED  
October 31, 2000

No. 215195  
Wayne Circuit Court  
LC No. 98-003400

Before: Griffin, P.J., and Cavanagh and Gage, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for assault with intent to commit great bodily harm, MCL 750.84; MSA 28.279, and armed robbery, MCL 750.529; MSA 28.797. We affirm.

On appeal, defendant argues that his waiver of his right to a jury trial was not understandingly and knowingly made. We disagree.

MCR 6.402(B) provides:

Before accepting a waiver, the court must advise the defendant in open court of the constitutional right to trial by jury. The court must also ascertain, by addressing the defendant personally, that the defendant understands the right and that the defendant voluntarily chooses to give up that right and to be tried by the court. A verbatim record must be made of the waiver proceeding.

The trial court's determination that a defendant validly waived his right to a jury trial is reviewed for clear error. *People v Leonard*, 224 Mich App 569, 595; 569 NW2d 663 (1997). The record must show that the defendant understood that he had a right to a jury trial, and voluntarily waived that right. *People v Reddick*, 187 Mich App 547, 550; 468 NW2d 278 (1991).

Here, the court informed defendant of his absolute right to trial by jury. Defendant stated that he wished to waive that right and be tried by the court. Defendant stated that no one forced him to make that decision, and he did so after consulting with his attorney. Defendant

understood his right to have a jury trial, and he voluntarily waived that right. See *People v Shields*, 200 Mich App 554, 560; 504 NW2d 711 (1993).

Affirmed.

/s/ Richard Allen Griffin

/s/ Mark J. Cavanagh

/s/ Hilda R. Gage